

Fact Sheet
Mineral Locations (Claims) and the
Rights Acquired
Division of Mining, Land & Water
June, 2015

What Mineral Rights are Acquired with a Mining Claim?

Under state mining law, a mining claim grants the exclusive right to the locatable minerals in the ground. Locatable minerals are a variety of uncommon minerals, and typically consist of precious metals and/or base metals. Precious metals are elements such as gold (Au), silver (Ag), and platinum (Pt). Base metals are elements such as copper (Cu), lead (Pb), zinc (Zn) Tungsten (W), the Rare Earth elements, etc. Minerals containing these metals, and the rock they are contained in, are considered locatable under the mining laws. Locatable minerals can also include uncommon varieties of rock that are considered rare in occurrence and are valuable for marketing. Examples are precious stones such as the sapphires, rubies and diamonds, or the industrial stones such as garnet, diamond and quartz sand, or the building/decorative stones such as marble, high grade limestone or dolomite, and some granitic rocks that have building stone quality. The acquisition, maintenance, and exercise of locatable mineral rights on state land are governed by Alaska Statutes (AS) 38.05.185-38.05.275.

Leasehold Locations

Certain areas of Alaska have been designated to be available for mining only under an upland mining lease. These areas have been so designated because of circumstances such as non-state surface ownership or environmental issues that might create a conflict between other surface uses and mining. In these areas mining may not begin until the leasehold location has been converted to an upland mining lease with stipulations to avoid or minimize the potential conflicts. Many areas have been designated for mining only under lease through the issuing <u>of leasehold location orders</u>. These orders are labeled on Alaska Mapper as LLO and a number, such as LLO 19. In addition, any land that is a <u>municipal entitlement</u>, that is land where the surface is owned by a borough or municipality, is a leasehold location under 11 AAC 86.135 (b). Please see Upland Mining Leasehold Location fact sheet for further information.

Does the Mining Law Grant Exclusive Right to all Minerals in the Ground?

No, the claimant only has rights to those minerals that are considered locatable. Aside from locatable minerals, there are two other broad groups of valuable minerals, leaseable minerals and "materials." Leaseable minerals include oil and gas, coal, and certain other minerals such as sodium, sulphur, potassium, and phosphates. "Materials" include common varieties of rock used for commercial purposes such as sand and gravel and riprap. (See the definition of "materials" under AS 38.05.965(10).)

Sand and gravel is a common variety material present on most mining claims that are located for placer minerals such as gold, platinum, precious stones, etc. The sand and gravel may be mined in order to screen and wash and separate the locatable placer minerals from the sand and gravel, but the screened and washed sand and gravel may not be sold as a by product to mining by the mining claimant unless the claimant obtains a material sale permit from the department. This also applies to tailings and spoil byproducts of hardrock mining operations. The use of materials for beneficial purposes on a claim may require the purchase of the material from the state under AS 38.05.550-565.

So What Happens to these Other Minerals, Rocks or Materials in the Ground that are Removed as a Result of Mining?

Their disposition is defined in an approve reclamation plan authorized by the department.

What about Resources on the Surface Such as Trees or Timber Stands, Can a Mining Claimant Harvest them for Personal Use or Resale?

No, not unless the claimant gets a timber sale contract or firewood permit from the department first. A claimant may remove trees and timber without the above contract or permit in the process of mining the ground under an approved mining plan of operation, but the trees and other vegetative matter must be saved for reclamation purposes to be mixed with the topsoil for reclamation when mining is completed.

What Else Can a Mining Claimant do on a Mining Claim - Build a Recreation Cabin or Other Living Structure on the Claim - Keep Other People Off of the Claim, and Post it With No Trespassing?

No. Cabins or living structures on mining claims are absolutely forbidden unless approved in writing by the department under an approved mining plan of operation. Structures are permitted only to the extent that they are required to conduct exploration and mining operations. Camp structures, which are generally authorized for large-scale exploration, or commercial-scale mining operations, range from portable tent-type camps to ATCO-type trailer units or other modular-type buildings on skids, which can be easily moved or removed after mining ceases. Cabins on pilings, and especially log cabins are never authorized as they cannot be easily removed after mining ceases. Prohibiting public access is also illegal.

For Further Ouestions, Please Contact One of Our Public Information Offices Below.

Anchorage

Public Information Center 550 West 7 Ave., Suite 1260 Anchorage, AK 99501-3557 (907) 269-8400 TDD: (907) 269-8411

Office Hours: M thru F; 10:00 AM to 5:00 PM

Fairbanks

Public Information Center 3700 Airport Way Fairbanks, AK 99709-4699 (907) 451-2705 TDD: (907) 451-2770

Office Hours: M thru F: 10:00 AM to 5:00 PM